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April 14, 1995

VIA FACSIMILE

PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION

Ted Lattanzio
Director, Worldwide Regulatory Affairs
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017-5592

RE: Maryland Smoking Regulation

Dear Ted:

I am attaching a draft version of our "How to Accommodate" fact sheet (similar to that used in New York City), advising each type of establishment of those areas where smoking is permitted. This draft reflects our most recent conversations with MOSH regarding how the agency will likely interpret the various "gray areas" in the application of the MOSH Workplace Smoking Standard and H.B. 1368, which exempts portions of the hospitality industry. When MOSH issues its official compliance guidelines, I will revise the fact sheet accordingly and send you a final version. According to our contacts at MOSH, the agency will probably issue those guidelines late next week. (MOSH is hurrying with the guidelines in order to respond to the variance requests in a timely manner.)

In my most recent conversations with Elaine Patrick, Assistant Attorney General for MOSH, she indicated that MOSH will likely permit multiple separate enclosed smoking rooms in a restaurant (if the 40% limit is adhered to) and in establishments with alcoholic beverage licenses that are covered by the "catch all" exemption (described in item 11 of the fact sheet). Elaine also stated that employers may include non-service areas of a restaurant, such as the kitchen, storage areas, and restrooms, when measuring the total area of the restaurant. This means that smoking may be permitted in a larger portion of the service areas than would be allowed if MOSH were to limit the measurement of "total area" to service areas.

We will continue to work with MOSH on interpretation issues and will keep you informed of the directions where MOSH is

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heading on the different points. In the meantime, if you have questions or comments, please call me or Pat Tyson.

Very truly yours,

David

David L. Smith

cc: Mary Coughlin
Ketrina Knuff
Derek Crawford
Janice McDaniel
Josh Slavit
Patrick R. Tyson

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